

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/564,594
Applicant: Stephen William Sankey, et al.
Filed: May 15, 2006
Title: SELF-VENTING POLYMERIC FILM
TC/A.U.: 1794
Examiner: William P. Watkins, III
Confirmation No.: 1832
Docket No.: DTG1-126US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This is in response to the Restriction Requirement stated in the Office Letter dated **August 4, 2008**.

The Examiner requires that claims of either Group I, claims 1-20, drawn to a composite film with a vent and a soluble barrier layer; Group II, claims 21-22 drawn to a method of making a composite film with a vent and a soluble barrier layer; or Group III, claims 23-27, drawn to a method of using a composite film in a package, be elected for prosecution. Applicants elect to prosecute Group I, claims 1-20, drawn to a composite film with a vent and a soluble barrier layer. This election is made with traverse.

Applicants submit that the restriction requirement is improper because the examiner has made an as-yet unproven assertion that there is no Unity of Invention due to lack of a special technical feature in view of the cited art. Applicants believe that there is at least one special technical feature, namely the combination of features set forth in claim 1.

With regard to U.S. 4,640,838 ("Isakson"), this document discloses a "self-venting vapour-tight microwave oven package." Isakson's invention relates to providing on the outer surface of the film packaging a material that converts microwave energy to heat energy. This softens and weakens that portion of the (heat-sensitive) packaging film over

which it is disposed (column 2, lines 42-46), thereby self-venting the packaging. The microwave-absorbing particles are dispersed in a binder which is preferably a polymeric binder having a thickness of 10 to 300 μm (column 2, lines 30-34), and this construction may take the form of a multilayer tape (column 3, lines 26 to 47) which is applied to the packaging at the desired location. Thicknesses of at least 20 μm are preferred (column 3, lines 60-62). Isakson's invention encompasses packaging which already contains a weakness such as an "opening, slit or score" (column 2, lines 52-55; column 3, lines 52 to 59; and claims 14 to 16) and this embodiment is presumably the one the Examiner considers the most relevant to the present invention. In this embodiment, the overlying tape is described as "vapour-impervious". There is no mention whatsoever of water-soluble barrier layers in Isakson, whose object is achieved in a manner fundamentally different from that of the present invention. It is therefore respectfully submitted that the subject-matter of claim 1 represents a novel and entirely non-obvious solution, and thus includes a "special technical feature." Unity of Invention is supported, and the restriction should be withdrawn.

Respectfully submitted,



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Agent for Applicants

FPT/gdb

Dated: September 3, 2008

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.